## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

ADREA, LLC,	)	
Plaintiff,	)	
- against -	)	13-CV-4137 (JSR)
BARNES & NOBLE, INC., BARNESANDNOBLE.COM LLC, and NOOK MEDIA LLC,	) ) )	
Defendants.	) )	

## NOTICE OF MOTION FOR SUMMARY JUDGMENT ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendants Barnes & Noble, Inc., barnesandnoble.com LLC and Nook Media LLC (collectively, "Defendants") intend to move this Court for an order granting summary judgment on the following grounds:

That Defendants do not directly or indirectly infringe U.S. Patent No. 7,298,851 (the '851 patent) either literally or under the doctrine of equivalents;

That Defendants do not directly or indirectly infringe U.S. Patent No. 7,299,501 (the '501 patent) either literally or under the doctrine of equivalents;

That Defendants do not directly or indirectly infringe U.S. Patent No. 7,620,703 (the '703 patent) either literally or under the doctrine of equivalents;

That Defendants have not willfully infringed the '851, '501 or the '703 patents;

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That the correct priority date for all asserted claims of the '851 patent is the date of the

filing of application 09/400,296;

That asserted claims of the '851 patent are invalid under 35 U.S.C. §§ 101, 102, 103,

and/or 112;

That asserted claims of the '501 patent are invalid under 35 U.S.C. §§ 102 and/or 103;

That asserted claims of the '703 patent are invalid under 35 U.S.C. §§ 102 and/or 103;

That in the event Defendants are found to have infringed and the patents are found to be

enforceable and not invalid, Defendants' liability for damages in such an eventuality begins no

earlier than March 29, 2012.

In support of this motion Defendants shall rely upon this Notice of Motion as well as a

Memorandum of Law in Support of Defendants' Motion for Summary Judgment, a Rule 56.1

Statement of Undisputed Material Facts, and supporting documents to be filed with the Court

pursuant to the below schedule.

The briefing schedule for post-discovery summary judgment motions is as follows:

Notice of Motion for Summary Judgment: January 24, 2014

Opening Motion Papers: January 31, 2014

Opposition Papers: February 14, 2014

Reply Papers: February 21, 2014

The Court has further scheduled a Final Pre-Trial Conference for February 28, 1014, at

which time, according to the Court's Scheduling Order (Dkt. No. 20), the Court will hear oral

argument on then-pending summary judgment motions.

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Dated: New York, New York January 24, 2014

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Attorneys for Defendants Barnes & Noble, Inc., barnesandnoble.com llc, and Nook Media LLC

## **CERTIFICATE OF SERVICE**

I, hereby certify that on January 24, 2014, copies of the foregoing were caused to be served upon the following in the manner indicated:

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